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ACACIA MEDIA TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. 05 CV 01114 JW MDL No. 1665 Specific Case No. 05-CV-01562 JW **STIPULATION AND [PROPOSED] ORDER DISMISSING CASE AGAINST CLUB JENNA, INC. PURSUANT TO FED.R.CIV.P. 41(a)(1)(ii)** Date: N/A Time: N/A Ctrm: 8, 4th Floor Judge: Honorable James Ware

Dockets.Justia.com

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Plaintiff Acacia Media Technologies Corporation ("Acacia") and Defendant Club Jenna, Inc. ("Defendant"), through their respective counsel, hereby stipulate to the dismissal, with prejudice, of all claims brought by Plaintiff Acacia against Defendant, and of all counterclaims brought by Defendant against Plaintiff Acacia. This dismissal shall not affect Acacia's claims against any other defendant in any of the MDL cases or the counterclaims of any MDL defendant against Acacia.

Each party shall bear its own costs, expenses, and attorneys' fees.

SO STIPULATED.

DATED: March 29, 2007

HENNIGAN BENNETT & DORMAN LLP

By /s/ Alan P. Block
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Attorney for Plaintiff
ACACIA MEDIA TECHNOLOGIES CORPORATION

DATED: March 29, 2007

FISH & RICHARDSON

By /s/ Todd Miller
Todd Miller
Attorney for Defendant
CLUB JENNA, INC.

ORDER

PURSUANT TO THE FOREGOING STIPULATION, IT IS HEREBY ORDERED that Acacia's claims against Defendant Club Jenna, Inc. and Defendant's counterclaims against Acacia are hereby dismissed with prejudice. Each party shall bear its own costs, expenses, and attorneys' fees.

Neither Acacia's claims against any other defendant in any of the MDL cases nor the counterclaims of any MDL defendant against Acacia shall be affected by this Order.

Dated: ________________________ ____________________________
United States District Judge

PROOF OF SERVICE-UNITED STATES DISTRICT COURT

STATE OF CALIFORNIA,)
) SS.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 865 South Figueroa Street, 29th Floor, Los Angeles, California 90017.

On March 30, 2007, I served a copy of the within document described as **STIPULATION AND [PROPOSED] ORDER DISMISSING CASE AGAINST CLUB JENNA, INC. PURSUANT TO FED.R.CIV.P. 41(A)(1)(II)** by transmitting via United States District Court for the Central District of California Electronic Case Filing Program the document listed above by uploading the electronic files for each of the above listed document on this date, addressed as set forth on the attached Service List.

The above-described document was also transmitted to the parties indicated below, by Federal Express only.

Chambers of the Honorable James Ware
Attn: Regarding Acacia Litigation
280 South First Street
San Jose, CA 95113
3 copies

I am readily familiar with Hennigan, Bennett & Dorman LLP's practice in its Los Angeles office for the collection and processing of federal express with Federal Express.

Executed on March 30, 2007, at Los Angeles, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/ Carol S. Yuson

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